

1 John M. Naylor, Esq.
 2 Nevada Bar No. 5435
 3 LIONEL SAWYER & COLLINS
 4 1700 Bank of America Plaza
 5 300 South Fourth Street
 6 Las Vegas, Nevada 89101
 7 Phone: (702) 383-8888
 8 Fax: (702) 383-8845
 9 Attorney for Defendant Mayer Amsel

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

11 VIROPRO, INC., a Nevada Corporation,)	CASE NO:
)	
12 Plaintiff,)	
)	
13 v.)	DEFENDANT MAYER AMSEL'S NOTICE
)	OF REMOVAL UNDER 28 U.S.C.
14)	SECTION 1441(B)
15 MAYER AMSEL, an individual, JERSEY)	(FEDERAL QUESTION)
16 TRANSFER AND TRUST CO., and DOES)	
17 I through X,)	
)	
18 Defendants.)	

19 TO THE CLERK OF UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA:
 20 PLEASE TAKE NOTICE that Defendant, MAYER AMSEL ("Amsel"), hereby removes to
 21 this Court the State Court Action described below.

22 1. On September 22, 2006, an action was commenced in the Eighth Judicial District
 23 Court for the State of Nevada in and for the County of Clark, entitled *Viropro, Inc. v. Mayer Amsel,*
 24 *et al.*, Case No. A528650, assigned to Department XIII ("State Court Action"). A copy of the
 25 Complaint filed in the State Court Action is attached hereto as Exhibit A.

26 2. Amsel was served with the State Court Action on October 11, 2006. A copy of the
 27
 28

1 process of service for the State Court Action is attached as Ex. B.

2 3. In the State Court Action, Plaintiff Viropro, Inc. ("Viropro") requests that Defendants
3 Amsel and Jersey Transfer and Trust Co. ("Jersey") be enjoined from transferring and removing the
4 restrictive legend from a certificate of shares for Viropro stock. (Ex. A, p.4:2.) The shares are
5 registered in the name of Amsel, and Jersey is the transfer agent for Viorpo.

6 4. The State Court Action is related to a case currently pending in United States District
7 Court, District of Nevada. The name of that case is *4174551 Canada, Inc. v. Viropro, Inc.*, Case No.
8 2:06-cv-00739-RCJ-RJJ (the "Federal Court Action"). Viropro filed its answer and counterclaims
9 on July 10, 2006, and a copy is attached as Ex. C. Even though Viropro's filing was labeled "Answer
10 and Counterlcaim," it also included a variety of claims against various third parties. Several of these
11 claims are against Amsel. (Ex. C, ¶¶ 126 - 152 (Sixth, Seventh, Eighth, Ninth, and Tenth Claims),
12 and ¶¶ 161 - 166 (Twelfth Cause of Action).) Viropro also asks for the exact same relief against
13 Amsel that Viropro is seeking in the State Court Action, i.e., an injunction against Amsel. (Ex. C,
14 pp. 23:26-8, 24:1.)

15 5. The State Court Action does not set forth any specific claims underlying the request
16 for an injunction. (See, Ex. A.) Rather, the State Court Action refers to the Federal Court Action
17 as containing the actual, underlying claims against Amsel. (Ex. A, ¶¶ 8-10.)

18 6. The State Court Action purports to state claims against unnamed, fictitious defendants
19 identified as "DOES I through X." For purposes of removal, "the citizenship of defendants sued
20 under fictitious names shall be disregarded." 28 U.S.C. § 1441(a).

21 7. This action is a civil action of which this Court has original jurisdiction under 28
22 U.S.C. Section 1331, and is one which may be removed to this Court pursuant to the provisions of
23 28 U.S.C. Section 1441(b) in that at least one or more causes of action arise under the Federal
24 Securities Laws, specifically, the Securities and Exchange Commissioner ("SEC") Rule 144.

1 8. To the extent that the State Court Action includes claims over which this Court does
2 not have original jurisdiction, removal is nevertheless proper because this Court has supplemental
3 jurisdiction over the other claims because they relate to the claims arising under SEC Rule 144, and
4 form part of the same case or controversy.
5

6 9. Venue is appropriate in the United States District Court for the District of Nevada
7 under 28 U.S.C. Sections 1391(b), 1441(b), and 1446(a) because the State Court Action was
8 originally filed in the Eighth Judicial District Court for the State of Nevada, Clark County, and a
9 substantial part of the events or omissions giving rise to the claims occurred in Clark County,
10 Nevada, and the State Court Action could have originally and properly been filed in the Federal
11 District Court, District of Nevada.
12

13 10. Upon information and belief, Viropro claims that Jersey is Viropro's agent, and has
14 directed Jersey, as Viropro's agent, to not consent to removal. Jersey, however, is a nominal
15 defendant, and its consent is unnecessary. *United Computer Systems, Inc. v. AT & T Corp.*, 298 F.3d
16 756, 762 (2002). Here, Jersey is a nominal party. Viropro has not asserted any claims directly
17 against Jersey in either the State Court Action or the Federal Court Action. Viropro merely seeks
18 to enjoin Jersey from acting out its duties as a transfer agent by preventing Jersey from removing the
19 certificate's restrictive legend, and subsequently transferring the stock. As a mere transfer agent with
20 no claims directly against it, Jersey is a nominal party whose consent to removal is not required.
21 *Fesch v. First City Bank of Dallas*, 637 F.Supp. 1530, 1537 (N.D.Tex. 1986) (finding that a transfer
22 agent is a nominal party when plaintiff is only seeking an injunction).
23

24 11. Jersey was also fraudulently named to prevent removal. Fraudulently named parties
25 are not required to consent to removal. *United Computer Systems, Inc.*, 298 F.3d at 762. Viropro
26 had no need to name Jersey in the State Court Action. Amsel is in possession of the stock certificate
27 at issue, and therefore an injunction need only apply to him. In the State Court Action, Viropro is
28

1 suing Jersey, while claiming Jersey as Viropro's agent, and while directing Jersey's actions. Viropro
2 only named Jersey so that Viropro could direct Jersey, and prevent Jersey's consent.

3 12. A copy of this Notice of Removal is being filed shortly with the clerk of the Eighth
4 Judicial District Court and served on all parties.

5 13. Amsel respectfully requests that the removed case be consolidated with the Federal
6 Court Action because both matters are based upon the facts, same witnesses, and same claims.

7 DATED this 26th day October, 2006.
8
9

10 LIONEL SAWYER & COLLINS
11

12 By: /s/ John M. Naylor

13 John M. Naylor, Esq.
14 Nevada Bar No. 5435
15 LIONEL SAWYER & COLLINS
16 1700 Bank of America Plaza
17 300 South Fourth Street
18 Las Vegas, Nevada 89101
19 Phone: (702) 383-8888
20 Fax: (702) 383-8845

21 Attorney for Defendant Mayer Amsel
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of October 2006, I deposited a true and correct copy of the above and foregoing **DEFENDANT MAYER AMSEL'S NOTICE OF REMOVAL UNDER 28 U.S.C. SECTION 1441(B)(FEDERAL QUESTION)** in the United States Mail, postage prepaid at Las Vegas, Nevada, to the last known address(es) of:

Mr. Joshua L. Harmon
Harmon & Davies, P.C.
1428 South Jones Blvd.
Las Vegas, NV 89146

Jersey Transfer and Trust Co.
201 Bloomfield Ave.
P.O. Box 36
Verona, NJ 07044

/s/ Sandy Jackson
An Employee of Lionel Sawyer & Collins

AFFIDAVIT OF JOHN M. NAYLOR

1
2 1. I am John M. Naylor, and I am the attorney for Mayer Amsel. I make this
3 affidavit from my personal knowledge, and I am competent to testify as to the matters contained
4 herein, if called upon to do so.

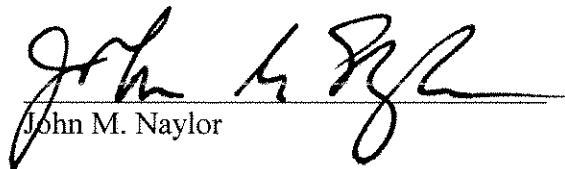
5 2. Attached as Exhibit A to Mr. Amsel's Notice of Removal is a true and correct
6 copy of the complaint in *Viropro, Inc. v. Mayer Amsel*, District Court, Clark County, Nevada,
7 Case No. A528650, which was obtained from the Clark County District Court's internet and
8 electronic case filing system.

10 2. Attached as Exhibit B to Mr. Amsel's Notice of Removal is a true and correct
11 copy of the service of process for Mr. Amsel in *Viropro, Inc. v. Mayer Amsel*, District Court,
12 Clark County, Nevada, Case No. A528650, which was obtained from the Clark County District
13 Court's internet and electronic case filing system.

15 3. Attached as Exhibit B to Mr. Amsel's Notice of Removal is a true and correct
16 copy of Viropro, Inc.'s "Answer and Counterclaim" in *4174551 Canada, Inc. v. Viropro, Inc.*,
17 United States District Court, District of Nevada, Case No. 2:06-cv-0073-RCJ-RJJ, which was
18 obtained from the Court's PACER system.

19
20 FURTHER AFFIANT SAYETH NAUGHT.

21 Dated this 26th day of October, 2006.

22
23 
John M. Naylor

24 SUBSCRIBED and SWORN to before
me on this 26 day of October, 2006

25
26 
Notary Public

27 Commission expires: 10-4-2009

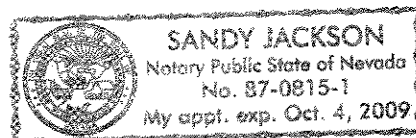


EXHIBIT A

148
1 COMP
2 JOSHUA L. HARMON, ESQ.
3 Nevada Bar No. 7004
4 HARMON & DAVIES, P.C.
5 1428 S. Jones Blvd.
6 Las Vegas, NV 89146
7 Phone: 702-733-0036
8 Fax: 702-733-1774
9 Attorney for Plaintiff

ORIGINAL

FILED
SEP 22 2 40 PM '06
Clerk & Registrar
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

10 VIROPRO, INC., a Nevada corporation,
11 Plaintiff,

12 v

14 MAYER AMSEL, an individual, JERSEY
15 TRANSFER AND TRUST CO., and DOES
16 I through X,

17 Defendants.

CASE NO. A528650
DEPT. XIII

COMPLAINT

18
19 NOW COMES, Plaintiff, VIROPRO INC., a Nevada corporation, ("Plaintiff" or "Viropro"),
20 by and through the undersigned attorney, and hereby states its Complaint as follows:

- 21 1. Plaintiff is a Nevada corporation whose principal office is in Quebec, Canada
- 22 2. On information and belief, Defendant, MAYER AMSEL ("Amsel") is a resident of
23 New York.
- 24 3. On information and belief, Defendant, JERSEY TRANSFER AND TRUST CO.
25 is a corporation with its principal place of business in Verona, New Jersey.
- 26 4. Pursuant to Nevada Rules of Civil Procedure, Rule 10(a) and *Nurenberger*
27 *Hercules-Werke GMBH v. Virostek*, 107 Nev. 873, 822 P.2d 1100 (1991), the true names and
28 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as

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DOES I through X, are unknown at the present time; however, it is alleged and upon information and belief, that these Defendants were involved in the initiation, approval, support, or execution of the wrongful acts upon which this litigation is premised, or of similar actions directed against Plaintiff about which they are presently unaware. As the specific identity of these parties is revealed through the course of discovery, the Plaintiff will ask leave of the Court to amend the Complaint so that the DOE appellations will be replaced to identify these parties by their true names and capacities.

5. This case arises from the failure of Defendant, MAYER AMSEL ("Amsel") to provide adequate consideration in exchange for stock of Viropro Inc., certificate no. 07061, which includes a restrictive legend pursuant to SEC Rule 144.

6. Amsel was issued 100,000 shares of restricted Viropro stock on September 27, 2005, certificate no. 07061, by Viropro Inc.

7. The consideration for these shares was to be services provided by Amsel for Viropro.

8. There is no evidence that any services were provided by Amsel to Viropro, and therefore, Amsel has not provided adequate consideration for these shares. Viropro is a publicly traded company listed on the Over the Counter Bulletin Board. At the time that the restricted shares were issued to Amsel, September 27, 2005, Viropro traded at sixty-five cents (\$0.65) per share. Viropro is currently trading at sixty-five cents (\$0.65) per share as of September 22, 2006.

9. There is a lawsuit pending in Federal Court against members of the former Board of Directors of Viropro who issued shares of Viropro Inc. to Amsel and others without adequate consideration.

10. The pending lawsuit was also filed against Amsel and others who conspired with those members of the former Board of Directors to obtain these shares for no consideration.

11. Amsel is now attempting to register the these shares for sale with the broker, Golden Capital Securities Ltd. ("Golden Capital"), and has instructed the transfer agent, Defendant, JERSEY TRANSFER AND TRUST CO. ("JTTC"), to transfer the shares for registration and sale to Golden Capital without the restrictive legend.

12. Amsel claims that he has held the shares for the one year holding period that is

1 required by SEC Rule 144, and he claims that he can now freely sell the shares because the
2 restrictive legend should be removed

3 13. Plaintiff instructed the transfer agent, JTTC, to stop the transfer of the shares for
4 registration and sale.

5 14. JTTC informed Plaintiff that it would not stop the transfer without an immediate
6 injunction pursuant to NRS 104 8403.

7 15. JTTC proceeded to prepare the transfer request to be submitted to Golden Capital
8 for transfer and registration of the shares to certificates without the Rule 144 restrictive legend.

9 16. On or about September 20, 2006, Plaintiff provided JTTC with oral notice that it
10 would file for an injunction to stop the transfer and registration of the shares while the lawsuit
11 regarding the propriety of the issuance of the shares to Amsel and others was adjudicated.

12 17. Amsel's failure to provide consideration for the issuance of the shares, and his
13 conspiracy with former Board members of Plaintiff to obtain the shares without consideration,
14 caused Plaintiff to suffer loss of income.

15 18. Plaintiff made reasonable efforts to mitigate its damages.

16 19. Any and all conditions precedent have been performed.

17 20. It has been necessary for Plaintiff herein to retain the services of an attorney to
18 prosecute this action.

1 WHEREFORE, Plaintiff prays for judgment as follows:

2 A. Injunctive Relief.

3 B. General and Special damages against the Defendants for sums in excess of \$10,000.

4 C. Reasonable attorney's fees and costs of this action.

5 D. Such other and further relief as the Court may deem necessary and proper in the
6 premises.

7 DATED this 22 day of September, 2006.

8 HARMON & DAVIES, P.C

9
10 By 

11 Joshua L. Harmon

12 Nevada Bar No. 7004

13 1428 South Jones Boulevard

14 Las Vegas, NV 89146

15 (702) 733-0036
16
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22
23
24
25
26
27
28

1 **ORDR**

2 JOSHUA L. HARMON, ESQ.

3 Nevada Bar No. 7004

4 HARMON & DAVIES, P.C.

5 1428 S. Jones Blvd.

6 Las Vegas, NV 89146

Phone: 702-733-0036

Fax: 702-733-1774

Attorney for Plaintiff

FILED

OCT 5 10 00 AM '06

Shirley S. Harmon
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

9
10 VIROPRO, INC , a Nevada corporation,

11 Plaintiff,

12 v.

13 MAYER AMSEL, an individual, JERSEY
14 TRANSFER AND TRUST CO., and DOES
15 I through X,

16 Defendants

CASE NO. A528650
DEPT. XIII

17
18 **ORDER GRANTING MOTION FOR TEMPORARY RESTRAINING ORDER**

19 COMES NOW, Plaintiff, above-named, by and through its undersigned attorney, based on
20 the Plaintiff's Motion for Temporary Restraining Order filed herein and the representations of the
21 Plaintiff made by Affidavit for the hearing in this matter on the 2nd day of October, 2006, before
22 the Honorable Mark R. Denton, therefore:

23 IT IS HEREBY ORDERED that Defendants, above-named, their officers, agents,
24 transfer agents, brokers, employees, board members, and contractors shall not take any non-judicial
25 actions to transfer for registration and sale as unrestricted shares the stock of Viropro Inc.,
26 certificate no. 07061, owned by Defendant, MAYER AMSEL, without further order of this court.

27 IT IS FURTHER ORDERED that a hearing on Plaintiff's Preliminary Injunction
28 will be held on the 16th day of October, 2006, at 9:00 A.M.



COUNTY CLERK

OCT 5 2006

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1 IT IS FURTHER ORDERED that this court has jurisdiction in this matter and that
2 the court issues a temporary restraining order enjoining Defendants from engaging in the actions
3 prohibited above because Plaintiff will have no way to recover the stock certificates after
4 registration of the shares without restriction for transfer and sale, and there was insufficient time
5 to notify Mayer Amsel.


6 IT IS FURTHER ORDERED that the Plaintiff deposit a bond in the amount of
7 \$2,000.00 pursuant to NRCP, 65(c).

8 IT IS FURTHER ORDERED that this Order shall be effective upon Plaintiff's
9 posting of the bond above stated.

10 DATED this 4th day of October, 2006.

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13
14  4:30 P.M.
DISTRICT COURT JUDGE

15 Submitted by:
16 HARMON & DAVIES, P.C. 

17 
18
19 JOSHUA L. HARMON
20 Nevada Bar No. 7004
21 Harmon & Davies, P.C.
22 1428 S Jones Blvd
Las Vegas, NV 89146
Attorney for Plaintiff
23
24
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26
27
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CLERK

1 **AFF**
2 JOSHUA L. HARMON, ESQ.
3 Nevada Bar No. 7004
4 HARMON & DAVIES, P.C.
5 1428 S. Jones Blvd.
6 Las Vegas, NV 89146
7 Phone: 702-733-0036
8 Fax: 702-733-1774
9 Attorney for Plaintiff

7 **DISTRICT COURT**
8
9 **CLARK COUNTY, NEVADA**

10 VIROPRO, INC., a Nevada corporation,

CASE NO. A528650
DEPT. XIII

11 Plaintiff,

12 v.

13
14 MAYER AMSEL, an individual, JERSEY
15 TRANSFER AND TRUST CO, and DOES
16 I through X,

17 Defendants.

18 **AFFIDAVIT OF PROSPER AZOULAY IN SUPPORT OF PLAINTIFF'S MOTION FOR**
19 **TEMPORARY RESTRAINING ORDER**
20

21
22 STATE OF NEVADA)

23)SS.

24 COUNTY OF CLARK)

25 I, PROSPER AZOULAY, being duly sworn, deposes and says:

26 1 I am the Vice President of VIROPRO, INC... (hereinafter "Plaintiff " or
27 "Company"), an entity organized under the laws of the state of Nevada, with its
28 principal place of business in Quebec, Canada. I am authorized to act and make

1 declarations on behalf of Plaintiff. I have personal knowledge of the following
2 matters and believe the following assertions are true to the best of my knowledge and
3 belief.

4 2. Viropro is a publicly traded company trading on the Over the Counter Bulletin
5 Board.

6 3. At the time that the restricted shares were issued to Defendant, Maycr Amsel
7 ("Amsel"), September 27, 2005, Viropro stock was trading at sixty-five cents (\$0.65)
8 per share. Viropro is currently trading at sixty-five cents (\$0.65) per share as of
9 September 22, 2006.

10 4. Amsel was issued 100,000 shares of Viropro stock on September 27, 2005,
11 certificate no. 07061, by Viropro Inc.

12 5. Amsel failed to provide adequate consideration in exchange for the 100,000 shares
13 of stock of Viropro Inc., certificate no. 07061, which stock contains a restrictive
14 legend pursuant to SEC Rule 144.

15 6. The consideration for these shares was to be services provided by Amsel for Viropro.
16 There is no evidence that any services were provided by Amsel to Viropro, and
17 therefore, Amsel has not provided adequate consideration for these shares.

18 7. There is a lawsuit pending in Federal Court against members of the former Board of
19 Directors of Viropro who issued shares of Viropro Inc. to Amsel and others without
20 adequate consideration. The lawsuit is also against Amsel and others who conspired
21 with those members of the former Board of Directors to obtain these shares for no
22 consideration.

23 8. Amsel is now attempting to register these shares for sale with Golden Capital
24 Securities Ltd., and has instructed the transfer agent, Defendant, JERSEY
25 TRANSFER AND TRUST CO. ("JTTC"), to transfer the shares to Golden Capital
26 for registration and sale without the restrictive legend. Amsel claims that he has
27 held the shares for the one year holding period as is required by SEC Rule 144, and
28 he claims that he can now freely sell the shares.

1 registration and sale JTTC informed Plaintiff that it would not stop the transfer
2 without an immediate injunction pursuant to NRS 104.8403.

3 10. JTTC proceeded to prepare the transfer request to be submitted to Golden Capital for
4 transfer and registration of the shares to certificates without the Rule 144 restrictive
5 legend.

6 11. As of the morning of the execution of this Affidavit, JTTC resigned as transfer agent
7 without providing notice or time for Plaintiff to locate and hire another transfer agent

8 12. JTTC informed Plaintiff that the only way they would withdraw their resignation
9 would be upon receipt of a court order enjoining them from transferring the shares,
10 or upon permission from Plaintiff to transfer Amsel's shares for registration and sale

11 13. Upon learning of JTTC's resignation, Amsel proceeded to contact all shareholders
12 to tell them that Plaintiff does not have a transfer agent in order to instill panic among
13 the shareholders and threaten delisting of the Company.

14 14. Amsel is blackmailing the Plaintiff to force them to permit the transfer of Amsel's
15 shares for registration and sale in order for JTTC to withdraw their resignation

16 15. Said injunction must be obtained immediately in order to obtain the withdrawal of
17 JTTC's resignation as Plaintiff's transfer agent, and preclude Amsel from further
18 blackmailing Plaintiff into allowing the transfer of his shares.

19 AND FURTHER AFFIANT SAYETH NAUGHT.

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PROSPER AZOULAY, Vice President
of VIROPRO, INC.

Subscribed and sworn to before me



09/22/2006 17:35

8197721483

ME CLAUDE BOULANGER

PAGE 01/01

1 this 20 day of September, 2006.

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Claude Boulanger

Notary Public Quebec Bar

#164017-8

EXHIBIT B

SUMM

JOSHUA L. HARMON, ESQ.
 Nevada Bar No. 7004
 HARMON & DAVIES, P.C.
 1428 South Jones Blvd.
 Las Vegas, Nevada 89146
 (702) 733-0036
 Attorneys for Plaintiff

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 10/13/2006 01:50:12 PM

Shirley B. Parraguirre
 CLERK

ORIGINAL

District Court

CLARK COUNTY, NEVADA

A528650

VIROPRO, INC., a Nevada corporation,

Plaintiff,

v.

MAYER AMSEL, an individual, JERSEY
 TRANSFER AND TRUST CO., and DOES 1
 through X,

Defendants.

CASE NO. XIII
 DEPT. XIII

NOTICE! YOU MAY HAVE BEEN SUED, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT, MAYER AMSEL: A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this summons is served on you, exclusive of the day of service, you must do the following:

- A. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- B. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgement against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivision, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Submitted by:

[Signature]
 (Signature)

Name: JOSHUA L. HARMON, ESQ.
 Address: 1428 South Jones Blvd.
 City/State/Zip: Las Vegas, NV 89146
 Telephone: 702-733-0036
 Attorney for: VIROPRO, INC.

SHIRLEY B. PARRAGUIRRE, CLERK OF COURT

By:

Deputy Clerk

Date

JOHN TAWNEY

SEP 22 2006

Regional Justice Center
 200 Lewis Avenue
 Las Vegas, NV 89155

SUMM

JOSHUA L. HARMON, ESQ.

Nevada Bar No. 7004

HARMON & DAVIES, P.C.

1428 South Jones Blvd.

Las Vegas, Nevada 89146

(702) 733-0036

*Attorneys for Plaintiff***District Court**CLARK COUNTY, NEVADA**A528650**

VIROPRO, INC., a Nevada corporation,

Plaintiff,

v.

MAYER AMSEL, an individual, JERSEY
TRANSFER AND TRUST CO., and DOES I
through X,

Defendants.

CASE NO.

DEPT. XIII**NOTICE! YOU MAY HAVE BEEN SUED, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.****TO THE DEFENDANT, MAYER AMSEL:** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this summons is served on you, exclusive of the day of service, you must do the following:

- A. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- B. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgement against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivision, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Submitted by:

(Signature)

Name: JOSHUA L. HARMON, ESQ. _____

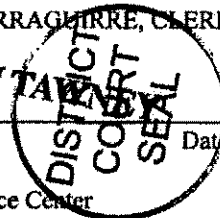
Address: 1428 South Jones Blvd. _____

City/State/Zip: Las Vegas, NV 89146 _____

Telephone: 702-733-0036 _____

Attorney for: VIROPRO, INC. _____

SHIRLEY B. PARRAGUIRRE, CLERK OF COURT

By: _____
Deputy Clerk

SEP 22 2006

Date

Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

STATE OF NEVADA

CLARK COUNTY

DISTRICT COURT

ATTORNEY(S):

ADDRESS: , PH#:

VIROPRO, INC., A NEVADA CORPORATION,

AFFIDAVIT OF SERVICE

INDEX #: A528650
FILED ON: September 22, 2006

Plaintiff(s)/Petitioner(s)

vs

Defendant(s)/Respondent(s)

MAYER AMSEL, AN INDIVIDUAL, ET AL.

County of SUFFOLK State of New York I, RALPH GIUGLIANO being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age and resides in the State of New YorkOn 10/11/06 at 5:50 PMat 1941 NEW YORK AVENUE, BROOKLYN, NY 11210deponent served the within SUMMONS, COMPLAINT, MOTION FOR TEMPORARY RESTRAINING ORDER AND AFFIDAVITbearing Index # A528650 and filed on September 22, 2006ON: MAYER AMSELINDIVIDUAL ☐ by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.CORPORATION A ☐

by delivering thereto a true copy of each to personally, deponent knew said described as the named defendant and knew

so served to be the said individual to be the authorized agent thereof.

SUITABLE AGE PERSON ☐by delivering a true copy of each to ABIGAIL AMSEL-DAUGHTER a person of suitable age and discretion
Said premises is recipient's ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.AFFIXING TO ☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business
☐ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereatDay _____ Date _____ Time _____ Day _____ Date _____ Time _____
Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Verification:

MAILING COPY ☒Deponent's agent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient at the recipient's last known ☐ residence ☐ place of employment at: 1941 NEW YORK AVENUE, BROOKLYN, NY 11210
and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of New York on 10/12/06
☐ The mailing was made by certified mail (Receipt No. _____)
☐ and with return receipt requested, and/ ☒ or First Class Mail, marked personal and confidential.DESCRIPTION ☒A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
Sex FEM Race/skin WHITE Color of hair BROWN Approx. Age 20-25 Approx. Height 5'6-5'7
Approx. weight 165-175 Other GLASSES

WITNESS FEES \$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

PHOTO ☐

Deponent was able to identify recipient from annexed photo.

MILITARY SERVICE ☒Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not.

Sworn to before me on this

12 day of October 2006
James Anthony Passarelli

RALPH GIUGLIANO

James Anthony Passarelli
Notary Public, State of New York
No. 01P4461647
Qualified in Suffolk County
Commission Expires July, 14 20070798048
Process Server's Lic #

AZ

Client Reference #: VIROPRO
Invoice/WorkOrderNu 9763527
m

STATE OF NEVADA

CLARK COUNTY

DISTRICT COURT

ATTORNEY(S):

ADDRESS: , , PH#:

VIOPRO, INC., A NEVADA CORPORATION,

AFFIDAVIT OF SERVICE

INDEX #: A528850
FILED ON: September 22, 2006

Plaintiff(s)/Petitioner(s)

vs

MAYER AMSEL, AN INDIVIDUAL, ET AL.

Defendant(s)/Respondent(s)

County of SUFFOLK State of New York I, RALPH GIUGLIANO being duly sworn deposes and says:
Deponent is not a party herein, is over 18 years of age and resides in the State of New YorkOn 10/11/06 at 5:50 PMat 1841 NEW YORK AVENUE, BROOKLYN, NY 11210deponent served the within NOTICE OF ENTRY OF ORDER & ORDER GRANTING MOTION FOR TEMPORARYbearing Index # A528850 and filed on September 22, 2006ON: MAYER AMSELINDIVIDUAL ☐ by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.CORPORATION ☐ A ☐ by delivering thereto a true copy of each to personally, deponent knew said described as the named defendant and knew

so served to be the said individual to be the authorized agent thereof.

SUITABLE AGE PERSON ☐ by delivering a true copy of each to ABIGAIL AMSEL-DAUGHTER a person of suitable age and discretion Said premises is recipient's ☐ actual place of business dwelling house (usual place of abode) within the state. I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.AFFIXING TO ☐ by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereatDay _____ Date _____ Time _____ Day _____ Date _____ Time _____
Day _____ Date _____ Time _____ Day _____ Date _____ Time _____
Verification:MAILING COPY ☒ Deponent's agent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient at the recipient's last known ☐ residence ☐ place of employment at: 1841 NEW YORK AVENUE, BROOKLYN, NY 11210 and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of New York on 10/12/06
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Sworn to before me on this

12 day of October, 2006
James Anthony Passarelli

RALPH GIUGLIANO

James Anthony Passarelli
Notary Public, State of New York
No. 01PA001647
Qualified in Clark County
Commission Expires July, 16 2007

0798048

Process Server's Lic #

AZ

Client Reference #: VIOPRO
Invoice/WorkOrderNu 9764024
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